

REMARKS

Claims 18-31, 33 and 34 are pending in the application. With entry of the Amendment, claim 18 is amended and claim 35 is new.

Claim Amendments

Claim 18 is being amended to clarify the invention. In particular, claim 18 is being amended to recite “the connection part above the self-sealing membrane comprises a connection piece extending above the membrane.” Claim 35 is new and recites in part “the connection part above the self-sealing membrane comprises a connection piece having an internal cone and extending above the membrane.” Claim 35 does not include that feature of claim 18 drawn to the connection piece and the self-sealing membrane being “designed and arranged in such a way that the conical shaft of a syringe inserted into the connection-side opening opens the slit membrane, but does not penetrate the slit of the self-sealing membrane.”

Examiner Interview

Applicant’s Attorney thanks Examiner Deak for a helpful telephonic interview held on July 21, 2010 regarding the pending case. During the interview, Applicant’s Attorney presented differences between the cite Rahimy reference and a proposed amendment to claim 18 clarifying that the connecting part above the self-sealing membrane comprises a connection piece extending above membrane.” Examiner Deak indicated that the proposed amendment to claim 18 appears to be patentable over the prior art.

Examiner Deak and Applicant’s Attorney also discussed a proposed base claim directed to the features of amended claim 18 without having the feature drawn to the syringe not penetrating the slit of the self-sealing membrane. No agreement was reached with respect to this latter proposal.

Claim Rejections Under 35 USC 103(a)

Claims 18-34 were rejected as being unpatentable over DE10030474 (Rahimy) in view of US2003/0199835 (Leinsing et al.). The rejection is respectfully traversed.

In an embodiment of Applicants' invention, a connection part 1 comprises a connection piece 13 extending above a self-sealing membrane 8. The connection piece and self-sealing membrane are arranged and designed in such a way that the conical shaft 31 of a syringe 32 inserted into a connection-side opening 1a of the connection part opens the slit membrane 8, but does not penetrate the slit of the self-sealing membrane (see Figs. 6a and 6b). That is, the conical shaft does not pass through the slit of the membrane. Since the slit membrane 8 is not penetrated by the shaft of the syringe, the membrane closes in a sealing fashion when pulling out the shaft of the syringe. After withdrawal of the shaft, the membrane completely closes and thus prevents liquid from leaking out of the package.

Fig. 1 of Rahimy discloses a connector with a connection part 2 and a break-off part 6. However, the connection part 2 does not comprise a portion above the membrane 4. Rather, the upper surface of the membrane 4 is flush with the upper portion of the connection part 2. The part above the membrane in Rahimy is the break-off part rather than the connection part as defined in claim 18 as now amended.

The Examiner acknowledged that Rahimy fails to disclose that the membrane comprises a slit to receive a syringe and looks to Leinsing et al. which discloses a membrane 100 which is flush with the connection part of the connector (Fig. 14). Leinsing et al. does not teach, or even suggest, providing the connection part with a portion above the membrane.

Rahimy and Leinsing et al. do not teach or suggest a connection part having a connection piece extending above a self-sealing membrane as required by amended claim 18. In addition, Rahimy and Leinsing et al. do not teach or suggest designing and arranging the connection part such that the shaft of a syringe inserted into the connection part opens the membrane, but does not penetrate the slit of the membrane, as required by claim 18.

In summary, none of the cited documents teach, or even suggest, the arrangement of the membrane in the connection piece of the connection part according to the invention of amended claim 18. In addition, claims 19-31, 33-34 depend from and include all of the elements of base claim 18, and therefore are patentable over the combination of Rahimy and Leinsing et al. for at least the same reasons as stated above for claim 18.

New claim 35 recites in part "the connection part above the self-sealing membrane comprises a connection piece having an internal cone and extending above the membrane."

Claim 35 does not include that feature of claim 18 drawn to the connection piece and the self-sealing membrane being "designed and arranged in such a way that the conical shaft of a syringe inserted into the connection-side opening opens the slit membrane, but does not penetrate the slit of the self-sealing membrane." However, claim 35 is believed to be patentable over the cited references because the connector of Rahimy neither comprises an internal cone nor an upper portion of the connection part above the membrane and Leinsing et al. is devoid of any teaching or suggestion of a connection piece with an internal cone above the membrane.

Reconsideration of the rejection under 35 USC 103 is respectfully requested.

Double Patenting Rejection

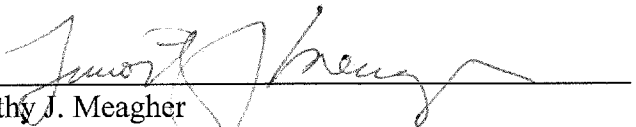
Claims 18-34 were provisionally rejected on the ground of non-statutory double patenting relative to co-pending application 10/514,817. Applicants defer addressing the rejection until allowable subject matter is determined by the Examiner.

Conclusion

In view of the above amendments and remarks, all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue.

Respectfully submitted,

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Concord, MA 01742-9133
Date: August 9, 2010